

REMARKS/ARGUMENTS

In the Office Action mailed December 11, 2008 (hereinafter, "Office Action"), claims 1 and 6 were object to, and claims 1-8 stand rejected under 35 U.S.C. § 103. Claims 1, 6 and 7 have been amended.

Applicant respectfully responds to the Office Action.

I. Objection of Claim 1

Claim 1 was objected to because of misspellings of the words "neutralizing" and "characterized." Claims 1 and 7 have been amended to address these objections as suggested by the Examiner. Accordingly, Applicant respectfully requests that the objection to claim 1 be withdrawn.

II. Objection of Claim 6

Claim 6 was objected to because it lacked a period at the end of line 3. Claim 6 has been amended to address these objections as suggested by the Examiner. Accordingly, Applicant respectfully requests that the objection to claim 6 be withdrawn.

III. Claims 1-8 Rejected Under 35 U.S.C. § 103(a)

Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,258,773 to Mort III et al. (hereinafter, "Mort"). This rejection is respectfully traversed.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398, 2007 U.S. LEXIS 4745, at **4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). As the Board of Patent Appeals and Interferences has recently confirmed, "obviousness requires a suggestion of all limitations in a claim." In re Wada and Murphy, Appeal 2007-3733 (citing CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003)). Moreover, the analysis in support of an obviousness rejection "should be made explicit." KSR, 2007 U.S. LEXIS 4745, at **37.

“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicant respectfully submits that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the subject matter in these claims. In the present case, claim 1 has been amended to recite that “the temperature is kept at a temperature no greater than about 80 °C during the process”. Support for this language is found in paragraphs [0018], [0028] and [0033]-[0040] of the published specification (which is U.S. Patent Application Publication No. 20070049513). Thus, while the temperature may change during the process, it is kept at less than about 80 °C.

The Office Action notes that Mort teaches the optional step of “drying and/or cooling” the detergent agglomerates, which the Office Action interprets as “includ[ing] the recycle fines.” (Office Action, p. 6.) Further, the Office Action notes that Mort teaches to “include from about 1 to about 40% by weight of recycled undersized detergent particles of ‘fines’ in the first [agglomeration] step of the process.” (Id.) Mort does not teach that the temperature is no greater than 80 °C. As noted in the prior Office Action response, the Example in Mort indicates that the air input to the fluid bed is at 125 °C. (See also Mort Col. 6, lines 55-60 and claim 7 indicating that the fluid bed dryer is maintained between 100 to 200 °C “so as to enhance formation of the desired agglomerates.”) Thus, Mort does not teach that the temperature of the process is no greater than about 80 °C.

In view of the foregoing, Applicant respectfully submits that claim 1 is patentably distinct from Mort. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn because Mort III does not teach or suggest all of the subject matter of claim 1.

Claims 2-8 depend directly from claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 2-8 be withdrawn.

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IV. Conclusion

Applicant respectfully asserts that all pending claims are patentably distinct from the cited references, and requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

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